

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

v.

CRIMINAL COMPLAINT

JACOB D. COLLINS, DOB 12/17/87

CASE NUMBER: (I - M - 0244

I, Michael Simonis, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about May 2, 2009, Jacob D. Collins, in connection with the acquisition of a firearm from Badger Guns Inc., a licensed dealer, knowingly made a false and fictitious written statement intended to deceive such dealer with respect to a fact material to the lawfulness of the sale all in violation of Title 18, United States Code, § 922(a)(6).

I further state that I am a City of Milwaukee Police Detective assigned to a Firearms Trafficking Task Force with the Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice, and that this complaint is based on the facts contained in the attached affidavit.

Continued on the attached sheet and made a part hereof: Yes



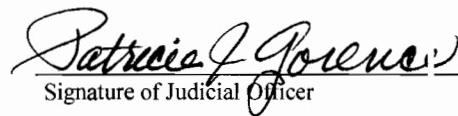
Signature of Complainant

Sworn to before me and subscribed in my presence,

June 10th., 2009
Date

at Milwaukee, Wisconsin
City and State

Patricia J. Gorense, U.S. Magistrate Judge
Name & Title of Judicial Officer



Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

Michael SIMONIS, being duly sworn, deposes and states as follows:

1. I am a state certified law enforcement officer currently employed by the Milwaukee Police Department detailed to a Firearms Trafficking Task Force with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).
2. I have worked full-time as a law enforcement officer for the past 22 years.
3. I have received training in the investigation of unlawful possession of firearms and illegal firearms trafficking and prosecution; I have, in the course of my experience as a law enforcement officer arrested numerous individuals for firearms related offenses; I have worked with local, state and federal law enforcement agents/officers investigating the possession, use and trafficking of firearms in the Milwaukee area; I have participated in the execution of numerous search warrants in which firearms and ammunition were seized; I am familiar with the different types and calibers of firearms and ammunition commonly possessed for illegal purposes; I am professionally trained in the use of firearms; I have conducted investigations involving the intentional transfer of firearm(s) from non-prohibited person(s) to prohibited person(s); and I have experience conducting investigations related to violations of Chapter 941 of the Wisconsin Statutes and Title 18, and Title 26 United States Code, with duties consisting of investigating violations of federal firearms laws, including but not limited to Title 18 U.S.C. 922(a)(6), Providing False or Fictitious Information when buying firearms from a Federal Firearms Licensee, including undercover purchases of firearms, working with confidential sources of information and/or informants, conducting search warrants and numerous arrests related to unlawful possession of firearms and/or possession of firearms by prohibited persons.
4. During the course of my assignment with ATF, I have participated in the execution of arrest warrants, search warrants and seizure warrants secured by myself as affiant and by other special agents of ATF. These warrants involved the search of locations ranging from residences and businesses to storage facilities. Items searched for, recovered and seized in these locations have included ammunition, firearms of all types, including those illegal to possess under any circumstance, records pertaining to the previous purchase or sale of ammunition and firearms, as well as documents demonstrative of ownership of ammunition and firearms.
5. All of the information contained herein is based upon my personal knowledge and investigation or upon information supplied to me by other law enforcement officers or citizen witnesses, all of whom I believe to be truthful and reliable.
6. Yesterday, on June 9, 2009, at approximately 3:30 P.M., at 819 South 2nd Street, Milwaukee, Wisconsin, in the Eastern District of Wisconsin, two City of

Milwaukee Police Officers were shot in the line of duty. Julius Burton was subsequently arrested for the shooting and one Taurus Model PT140 .40 caliber pistol with serial number SC027383 was recovered. Based upon the investigation at this time, this firearm is believed to be the same firearm used by Julius Burton to shoot the two police officers.

7. A trace of the recovered firearm indicated that on or about May 2, 2009/May 4, 2009, this firearm was purchased by Jacob D. Collins, DOB: 12/17/1987 from Federal Firearms Licensee (FFL) Badger Guns, Inc., 2339 South 43rd Street, West Milwaukee, Wisconsin.
8. On June 9, 2009, I went to FFL Badger Guns, Inc. and obtained a copy of the ATF Form 4473, Firearms Transaction Record Part 1 – Over-the-Counter form completed by Jacob Collins dated May 2, 2009/May 4, 2009 pertaining to the above described Taurus .40 caliber pistol.
9. Today, on June 10, 2009, I along with Task Force Officer Detective Steve Wolf of the Milwaukee County Sheriff's Office, who is also assigned to the ATF, made contact with Jacob Collins. In summary, Collins admitted that he provided false information to FFL Badger Guns, Inc., in that he was not the actual buyer of the firearm; and that he purchased the firearm for "Julius" for \$40 dollars. Collins advised that "Julius" wanted a firearm for protection, and that since "Julius" was 18 years old, he could not purchase one himself.
10. Regarding ATF Form 4473, question 11a asks, "*Are you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you. (See Instructions for Question 11 a.) Exception: If you are picking up a repaired firearm(s) for another person, you are not required to answer 11a and may proceed to question 11b.*" It appeared that Jacob Collins initially checked box "No", however changed his response to "Yes" and placed his initials JC above the box "No." Had Collins not changed this answer from "No" to "Yes", FFL Badger Guns, Inc. would have denied the sale and not transferred the gun to him.
11. Collins further admitted to me that he did not answer question 11c truthfully, which asks, "*Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?*" Collins advised that he uses marijuana, and has smoked blunts about once a week since 2007.
12. Collins also admitted to me that the address he placed on the ATF Form 4473 being 3353 North 27th was not true. Collins advised he has not lived there in years. Collins claimed "Julius" told him to put that down in case the police came

looking for him. Collins advised he resides in the 2000 block of West Lapham, Milwaukee, Wisconsin.

13. The certification portion of the ATF Form 4473 informs buyers, such as Jacob Collins, that, "...I understand that answering "yes" to question 11a if I am not the actual buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law...."
14. Based upon the above, I believe Jacob Collins violated Title 18, United States Code, Section 922(a)(6).